The opinion in support of the decision being entered today was <u>not</u> written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte MARK S. ABAD, SCOTT E. ANDERSEN, PATRICE DUBOIS, DEBBIE A. MAHADEO, and JAMES D. MASUCCI

Application No. 09/696,664

MAILED

MAY 1 1 2005

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

REQUEST FOR SUSPENSION OF APPEAL

Before HARKCOM, Acting Chief Administrative Patent Judge

The Board is in receipt of appellants' request to suspend the appeal in this case pending the decision in <u>In re Fisher</u>, (Application No. 09/619,643, BPAI Appeal No. 2002-2046), pending before the Court of Appeals for the Federal Circuit. In considering the matter, it appears that a decision in the <u>Fisher</u> case will aid in the resolution of the issues pending in this appeal. Accordingly, the request is granted to the extent that the Board will postpone consideration of the appeal in this case pending a decision in <u>In re Fisher</u>. See, MPEP § 1213, 8th Edition, revision 2, at page 1200-31.

So ordered.

Gary V. Harkcom

Acting Chief Administrative Patent Judge

Appeal No. 2005-1165 Application No. 09/696,664

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